

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION
4
5

6 UNITED STATES OF AMERICA,)
7)
8 PLAINTIFF,)
9 V.) 16-MJ-00615
10 SENG XIONG,) LOS ANGELES, CALIFORNIA
11) MARCH 25, 2016
12) (2:10 P.M. TO 2:18 P.M.)
13) (4:02 P.M. TO 4:06 P.M.)
14) (4:49 P.M. TO 4:53 P.M.)
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ARREST ON OUT-OF-DISTRICT WARRANT HEARING
BEFORE THE HONORABLE JACQUELINE CHOOLJIAN
UNITED STATES MAGISTRATE JUDGE

17 APPEARANCES: SEE NEXT PAGE
18 COURT REPORTER: RECORDED; COURT SMART
19 COURTROOM DEPUTY: HANA RASHAD
20 TRANSCRIBER: DOROTHY BABYKIN
21 COURTHOUSE SERVICES
22 1218 VALEBROOK PLACE
23 GLENDORA, CALIFORNIA 91740
24 (626) 963-0566
25

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING;
TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.
APPEARANCES: (CONTINUED)

1 FOR THE PLAINTIFF UNITED STATES OF AMERICA:

2 EILEEN DECKER
3 UNITED STATES ATTORNEY
4 LAWRENCE MIDDLETON
5 CHIEF, CRIMINAL DIVISION
6 BY: KATHY YU
7 ASSISTANT UNITED STATES ATTORNEY
8 312 NORTH SPRING STREET
9 LOS ANGELES, CALIFORNIA 90012
10

11 FOR THE DEFENDANT SENG XIONG:

12 SEAN K. KENNEDY
13 FEDERAL PUBLIC DEFENDER
14 BY: NADINE C. HETTLE
15 DEPUTY FEDERAL PUBLIC DEFENDER
16 321 EAST 2ND STREET
17 LOS ANGELES, CALIFORNIA 90012
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PROCEEDINGS: MINUTES OF ARREST ON OUT-OF-DISTRICT WARRANT

1 LOS ANGELES, CALIFORNIA; FRIDAY, MARCH 25, 2016; 2:09 P.M.

2 THE COURT: ALL RIGHT. AT THIS TIME I'M GOING TO DO
3 THE READING OF THE RIGHTS FOR EVERYONE WHO IS PRESENT.

4 AND THEN TO THE EXTENT WE HAVE ONE OR TWO FOLKS WHO
5 ARE NOT, WE'LL DO A MORE LIMITED READING OF THE APPROPRIATE
6 RIGHTS FOR SUCH INDIVIDUALS WHEN THEY DO ARRIVE.

7 BEFORE I DO THAT, LET ME INQUIRE. ARE THERE ANY
8 INTERPRETERS WHO ARE PRESENT?

9 INTERPRETER VILLALOBOS: YES, YOUR HONOR.

10 GOOD AFTERNOON. JAVIER VILLALOBOS, SPANISH-LANGUAGE
11 INTERPRETER.

12 OATH ON FILE.

13 THE COURT: ALL RIGHT. THANK YOU, SIR.

14 I SEE NO OTHER INTERPRETERS.

15 AND IF WE COULD GET ANY REPRESENTATIVES FROM PRETRIAL
16 AND PROBATION TO STATE THEIR NAMES FOR THE RECORD.

17 U.S. PROBATION OFFICER SCHNAYERSON: RACHEL
18 SCHNAYERSON WITH THE UNITED STATES PROBATION.

19 U.S. PRETRIAL SERVICES OFFICER GOULART: GOOD
20 AFTERNOON, YOUR HONOR.

21 ANDRE GOULART, U.S. PRETRIAL SERVICES.

22 THE COURT: ALL RIGHT. GOOD AFTERNOON.

23 ALL RIGHT. AT THIS TIME I WILL ADVISE ALL DEFENDANTS
24 PRESENT OF THEIR CONSTITUTIONAL AND STATUTORY RIGHTS IN
25 CONNECTION WITH THESE PROCEEDINGS.

1 PLEASE LISTEN CAREFULLY.

2 YOU ARE HERE BECAUSE YOU ARE CHARGED WITH A CRIMINAL
3 OFFENSE AGAINST THE UNITED STATES OR WITH A SUPERVISED RELEASE,
4 PROBATION, OR PRETRIAL RELEASE VIOLATION.

5 YOU HAVE RECEIVED OR WILL RECEIVE A COPY OF THE
6 CHARGING DOCUMENT.

7 YOU HAVE THE FOLLOWING CONSTITUTIONAL AND STATUTORY
8 RIGHTS:

9 YOU HAVE THE RIGHT TO RETAIN AND BE REPRESENTED BY AN
10 ATTORNEY OF YOUR OWN CHOOSING AT EACH AND EVERY STAGE OF THE
11 PROCEEDINGS.

12 IF YOU CANNOT AFFORD AN ATTORNEY, YOU HAVE THE RIGHT
13 TO REQUEST THAT THE COURT APPOINT AN ATTORNEY TO REPRESENT YOU.
14 AN APPOINTED ATTORNEY WILL BE PAID BY THE GOVERNMENT AT NO COST
15 TO YOU.

16 YOU MUST, HOWEVER, SUBMIT A FINANCIAL AFFIDAVIT TO
17 THE COURT BEFORE COUNSEL WILL BE APPOINTED.

18 IF YOU MAKE ANY FALSE OR MISLEADING STATEMENTS IN
19 THAT AFFIDAVIT, OR IF YOU WILLFULLY OMIT PERTINENT INFORMATION,
20 YOU WILL BE SUBJECT TO FURTHER PROSECUTION FOR VIOLATING
21 FEDERAL LAW.

22 YOU HAVE A RIGHT TO REMAIN SILENT. ANYTHING YOU SAY,
23 SIGN, OR WRITE MAY BE INTRODUCED AGAINST YOU IN THIS OR IN ANY
24 OTHER COURT PROCEEDING.

25 YOU HAVE A RIGHT TO HAVE BAIL DETERMINED IN

1 ACCORDANCE WITH THE PROVISIONS OF THE BAIL REFORM ACT.

2 IF THE GOVERNMENT SEEKS DETENTION, YOU HAVE THE RIGHT
3 TO HAVE A HEARING TODAY OR WITHIN THREE TO FIVE COURT DAYS IF A
4 CONTINUANCE IS REQUESTED AND GRANTED.

5 IN THE EVENT YOU ARE DETAINED, YOU HAVE A RIGHT UPON
6 WRITTEN APPLICATION TO HAVE THE DETENTION ORDER REVIEWED BY AN
7 ASSIGNED DISTRICT JUDGE.

8 YOU MAY BE PRESENT AT ANY HEARING WHERE FURTHER
9 ARGUMENT MAY BE HEARD REGARDING DETENTION.

10 IF YOU ARE NOT A UNITED STATES CITIZEN, YOU HAVE THE
11 RIGHT TO REQUEST THAT AN ATTORNEY FOR THE GOVERNMENT OR A
12 FEDERAL LAW ENFORCEMENT OFFICIAL NOTIFY A CONSULAR OFFICE FROM
13 YOUR COUNTRY OF NATIONALITY THAT YOU HAVE BEEN ARRESTED. BUT
14 EVEN WITHOUT SUCH A REQUEST, A TREATY OR OTHER INTERNATIONAL
15 AGREEMENT MAY REQUIRE CONSULAR NOTIFICATION.

16 IF YOU ARE HERE ON A COMPLAINT AND AFFIDAVIT, YOU
17 HAVE A RIGHT TO A PRELIMINARY HEARING OR TO HAVE THE CASE
18 PRESENTED TO THE GRAND JURY WITHIN 14 DAYS IF YOU REMAIN IN
19 CUSTODY AND 21 DAYS IF YOU ARE RELEASED ON BOND.

20 A PRELIMINARY HEARING IS A PROCEEDING IN WHICH THE
21 GOVERNMENT PRESENTS ITS EVIDENCE AND A JUDGE DECIDES IF THERE
22 IS PROBABLE CAUSE TO BELIEVE THE OFFENSE CHARGED HAS BEEN
23 COMMITTED AND THAT YOU HAVE COMMITTED IT.

24 IF PROBABLE CAUSE IS NOT FOUND, THE MATTER WILL BE
25 DISMISSED.

1 IF PROBABLE CAUSE IS FOUND, YOU WILL BE REQUIRED TO
2 ENTER A PLEA TO THE CHARGES.

3 PROBABLE CAUSE ALSO MAY BE ESTABLISHED BY THE RETURN
4 OF AN INDICTMENT BY A GRAND JURY. IF AN INDICTMENT IS RETURNED
5 PRIOR TO OR ON THE DATE SET FOR THE PRELIMINARY HEARING, THE
6 PROBABLE CAUSE REQUIREMENT IS SATISFIED, AND NO PRELIMINARY
7 HEARING WILL BE HELD. YOU WILL THEN APPEAR TO PLEAD TO THE
8 INDICTMENT.

9 IF YOU ARE HERE ON A CENTRAL DISTRICT INDICTMENT, YOU
10 ARE ENTITLED TO A SPEEDY AND PUBLIC TRIAL BY JURY OR BY A JUDGE
11 ALONE IF JURY IS WAIVED.

12 YOU ARE ENTITLED TO BE PRESENT AT THIS ARRAIGNMENT
13 AND ALL PROCEEDINGS WHICH FOLLOW, INCLUDING, WITHOUT
14 LIMITATION, THE TIME OF THE PLEA, EVERY STAGE OF THE TRIAL,
15 INCLUDING THE IMPANELING OF THE JURY AND THE RETURN OF THE
16 VERDICT, AND AT THE IMPOSITION OF ANY SENTENCE.

17 YOU ARE ENTITLED TO SEE AND HEAR THE EVIDENCE AND
18 WITNESSES AGAINST YOU AND TO CROSS-EXAMINE THOSE WITNESSES.

19 YOU ARE ENTITLED TO SUBPOENA WITNESSES AND TO COMPEL
20 THE PRODUCTION OF OTHER EVIDENCE ON YOUR OWN BEHALF.

21 IT IS NOT NECESSARY TO PROVE YOUR INNOCENCE. IT IS
22 THE BURDEN OF THE GOVERNMENT TO PROVE GUILT BY PROOF BEYOND A
23 REASONABLE DOUBT.

24 FOR YOUR PLEA AND FURTHER PROCEEDINGS, YOUR CASE HAS
25 BEEN OR WILL BE ASSIGNED TO A DISTRICT JUDGE. THE PARTICULAR

1 JUDGE FOR YOUR CASE HAS BEEN OR WILL BE SELECTED RANDOMLY AND
2 WILL BE ANNOUNCED AFTER YOU ARE ARRAIGNED.

3 ALL MOTIONS OTHER THAN THOSE RELATING TO BAIL OR
4 DETENTION ARE RESERVED AND MUST BE MADE BEFORE THE JUDGE TO
5 WHOM THE CASE IS ASSIGNED.

6 HOWEVER, IF THAT JUDGE HAS ASKED THAT I TAKE NOT
7 GUILTY PLEAS, YOU WILL BE ASKED TO ENTER A NOT GUILTY PLEA
8 TODAY. AND A TRIAL DATE WILL BE SET.

9 IF YOU ARE HERE BECAUSE YOU HAVE BEEN CHARGED IN AN
10 OUT-OF-DISTRICT COMPLAINT OR INDICTMENT OR OTHER CHARGING
11 DOCUMENT, THAT IS, ONE THAT ORIGINATED IN A DISTRICT OTHER THAN
12 THIS DISTRICT, THEN, IN ADDITION TO THE RIGHTS I HAVE ALREADY
13 EXPLAINED, YOU HAVE THE RIGHT TO STAY HERE IN THIS DISTRICT
14 UNTIL THE COURT RECEIVES A CERTIFIED COPY OF THE CHARGES FROM
15 THE CHARGING DISTRICT. THAT'S CALLED "ARRIVAL OF PROCESS."

16 IF YOU WISH, YOU MAY WAIVE ALL FURTHER PROCEEDINGS
17 HERE IN THIS DISTRICT AND REQUEST THAT YOU EITHER BE
18 TRANSPORTED OR PERMITTED TO APPEAR IN THE DISTRICT WHERE THE
19 CHARGES ORIGINATED FOR FURTHER PROCEEDINGS.

20 IF YOU PRESENTLY DO NOT WISH TO WAIVE ALL FURTHER
21 PROCEEDINGS IN THIS DISTRICT AND RETURN TO THE CHARGING
22 DISTRICT, YOU HAVE A RIGHT TO A REMOVAL HEARING, WHICH INCLUDES
23 A DETERMINATION OF PROBABLE CAUSE AND IDENTITY BEFORE YOU CAN
24 BE ORDERED TO APPEAR IN THE CHARGING DISTRICT.

25 IF PROBABLE CAUSE HAS BEEN ESTABLISHED BY THE RETURN

1 OF AN INDICTMENT BY A GRAND JURY, YOU ARE ENTITLED ONLY TO AN
2 IDENTITY HEARING IN THIS DISTRICT.

3 IF YOU WISH TO CONSIDER PLEADING GUILTY TO THE
4 CHARGES FILED IN THE OTHER DISTRICT HERE IN THIS DISTRICT, YOUR
5 ATTORNEY MAY REQUEST A CONTINUANCE BECAUSE IT MAY BE POSSIBLE
6 FOR YOU TO PLEAD GUILTY HERE IN THIS DISTRICT UNDER THE
7 PROVISIONS OF RULE 20 OF THE FEDERAL RULES OF CRIMINAL
8 PROCEDURE.

9 HOWEVER, THE CONSENT OF BOTH THE UNITED STATES
10 ATTORNEY OF THIS DISTRICT AND THE CHARGING DISTRICT MUST BE
11 OBTAINED FIRST.

12 IF YOU ARE HERE ON AN ALLEGED OUT-OF-DISTRICT
13 VIOLATION OF PROBATION, SUPERVISED RELEASE, OR PRETRIAL
14 RELEASE, YOU MAY REQUEST ARRIVAL OF PROCESS AND AN IDENTITY
15 HEARING BEFORE REMOVAL.

16 IF YOU ARE HERE ON A CENTRAL DISTRICT ALLEGED
17 VIOLATION OF PROBATION OR SUPERVISED RELEASE, YOU ARE ENTITLED
18 TO A PRELIMINARY HEARING.

19 ALL DEFENDANTS WHO HAVE NOT YET BEEN PROCESSED BY THE
20 U.S. MARSHAL SERVICE AND WHO ARE ORDERED RELEASED ON BOND TODAY
21 MUST REPORT TO THE U.S. MARSHAL SERVICE OFFICE FOR PROCESSING
22 BEFORE LEAVING THE COURTHOUSE.

23 THE CLERK CAN START THE CALENDAR.

24 (PROCEEDINGS HEARD IN UNRELATED MATTERS.)

25 THE CLERK: CALLING CASE NUMBER 16-MJ-615, UNITED

1 STATES OF AMERICA VERSUS SENG XIONG.

2 MS. YU: GOOD AFTERNOON AGAIN, YOUR HONOR.

3 KATHY YU ON BEHALF OF THE UNITED STATES.

4 MR. HETTLE: GOOD AFTERNOON, YOUR HONOR.

5 NADINE HETTLE ON BEHALF OF SENG XIONG, WHO IS
6 REQUESTING APPOINTMENT OF COUNSEL.

7 THE COURT: ALL RIGHT. GOOD AFTERNOON TO YOU BOTH AS
8 WELL.

9 DOES THE GOVERNMENT HAVE A MOTION BEFORE WE PROCEED
10 ANY FURTHER?

11 MS. YU: YES, YOUR HONOR.

12 WE MOVE TO UNSEAL THE COMPLAINT.

13 THE COURT: ALL RIGHT. IT'S A COMPLAINT OUT OF THE
14 DISTRICT OF MINNESOTA. SO, I -- I ACCEPT GOVERNMENT'S
15 REPRESENTATION THAT IT WAS UNDER SEAL. WE DON'T HAVE A RECORD
16 OF IT, BUT IT IS NOW UNSEALED TO THE EXTENT IT WAS SEALED.

17 SO --

18 AND, MS. HETTLE, WERE YOU PROVIDED WITH A COPY OF
19 THAT?

20 MS. HETTLE: I WAS, YOUR HONOR.

21 THE COURT: OKAY. SO --

22 MS. HETTLE: AND IT'S BEEN REVIEWED WITH THE CLIENT.

23 THE COURT: OKAY. GOOD.

24 ALL RIGHT. SIR, IS SENG XIONG YOUR TRUE NAME?

25 THE DEFENDANT: YES, MA'AM. YES, YOUR HONOR.

1 THE COURT: CAN YOU PRONOUNCE IT FOR ME.

2 THE DEFENDANT: SENG XIONG.

3 THE COURT: THANK YOU.

4 DID YOU HEAR AND UNDERSTAND THE STATEMENT OF RIGHTS
5 THAT I READ EARLIER?

6 THE DEFENDANT: YES, I DO.

7 THE COURT: ALL RIGHT.

8 SIR, DID YOU COMPLETE THIS AFFIDAVIT, THIS FINANCIAL
9 AFFIDAVIT?

10 THE DEFENDANT: I DO.

11 THE COURT: AND DID YOU SIGN IT, UNDERSTANDING --

12 THE DEFENDANT: YES --

13 THE COURT: -- YOU WERE --

14 THE DEFENDANT: -- I DO.

15 THE COURT: OKAY. DID YOU UNDERSTAND WHEN YOU
16 SIGNED IT THAT YOU WERE SIGNING IT UNDER PENALTY OF PERJURY?

17 THE DEFENDANT: YES, I DO. BUT I DON'T HAVE ALL THE
18 INFORMATIONS.

19 THE COURT: I'M SORRY. I DIDN'T HEAR THE LAST --

20 THE DEFENDANT: I DON'T HAVE ALL THE INFORMATION
21 CORRECTLY --

22 THE COURT: YOU DON'T HAVE ALL THE INFORMATION.

23 THE DEFENDANT: I DON'T HAVE IT WITH ME. SO, JUST
24 ESTIMATE.

25 THE COURT: ALL RIGHT. THIS IS THE -- YOUR BEST

1 RECOLLECTION OF --

2 THE DEFENDANT: YES. BEST FOR --

3 THE COURT: -- OF THE INFORMATION.

4 THE DEFENDANT: -- IT COULD BE DIFFERENT.

5 THE COURT: SIGNIFICANTLY DIFFERENT?

6 THE DEFENDANT: I DON'T HAVE -- OF THE -- SEE A
7 RECORD.

8 MS. HETTLE: YOUR HONOR, GIVEN THE -- THAT THIS IS AN
9 OUT-OF-DISTRICT CASE --

10 THE DEFENDANT: YES.

11 THE COURT: OKAY.

12 MS. HETTLE: AND I PROBABLY WOULD BE --

13 THE COURT: GOT IT.

14 MS. HETTLE: -- APPOINTED FOR LIMITED APPEARANCES, I
15 WOULD JUST ASK YOUR HONOR TO --

16 THE COURT: OKAY. THANK YOU, MS. HETTLE. I GET IT.

17 ALL RIGHT. SO, WE WILL APPOINT THE FEDERAL PUBLIC
18 DEFENDER'S OFFICE IN THE PERSON OF MS. HETTLE TODAY.

19 THE DEFENDANT: MAY I ASK --

20 THE COURT: ALL RIGHT.

21 SIR, HAVE YOU REVIEWED THE COMPLAINT? -- THAT IS, THE
22 CHARGING DOCUMENT IN THIS CASE?

23 THE DEFENDANT: YES, I HAVE.

24 THE COURT: AND WITHOUT TELLING ME WHETHER YOU ADMIT
25 OR DENY WHAT'S ALLEGED, CAN YOU TELL ME DO YOU UNDERSTAND WHAT

1 IT IS THE GOVERNMENT CLAIMS YOU DID?

2 THE DEFENDANT: I UNDERSTAND SOME. NOT ALL.

3 THE COURT: OKAY.

4 THE DEFENDANT: A FEW.

5 THE COURT: OKAY.

6 MS. HETTLE, CAN YOU CONFER WITH HIM. AND IF WE NEED
7 TO HAVE YOU SPEND MORE TIME WITH HIM ON IT, WE'LL RECALL THE
8 CASE.

9 (DEFENSE COUNSEL CONFERRING WITH CLIENT.)

10 MS. HETTLE: YOUR HONOR.

11 THE COURT: YES.

12 MS. HETTLE: LET'S RECALL THIS MATTER.

13 THE COURT: OKAY.

14 MS. HETTLE: I'M SORRY.

15 THE COURT: THAT'S FINE.

16 IT'S A LONGER COMPLAINT. AND IT IS MORE COMPLICATED
17 THAN MOST, SO.

18 (PROCEEDINGS HEARD IN UNRELATED MATTERS.)

19 THE CLERK: RECALLING CASE NUMBER 16-MJ-615, UNITED
20 STATES OF AMERICA VERSUS SENG XIONG.

21 PLEASE RESTATE YOUR APPEARANCES.

22 MS. YU: GOOD AFTERNOON AGAIN, YOUR HONOR.

23 KATHY YU ON BEHALF OF THE UNITED STATES.

24 MS. HETTLE: GOOD AFTERNOON, YOUR HONOR.

25 AGAIN, NADINE HETTLE ON BEHALF OF SENG XIONG, WHO IS

1 PRESENT.

2 THE COURT: ALL RIGHT. WHEN WE LAST LEFT OUT I HAD
3 ALREADY APPOINTED COUNSEL. AND I WAS INQUIRING WHETHER MR.
4 XIONG UNDERSTOOD THE NATURE OF THE ALLEGATIONS AGAINST HIM, THE
5 NATURE OF THE CHARGES AGAINST YOU.

6 THE DEFENDANT: YES, I DO.

7 THE COURT: YOU DO. OKAY. THANK YOU, SIR.

8 SIR, YOU UNDERSTAND YOU HAVE A RIGHT TO A CERTIFIED
9 COPY OF THE CHARGES -- WHAT WE CALL "ARRIVAL OF PROCESS." AND
10 ALSO TO AN IDENTITY HEARING -- THAT IS A HEARING AT WHICH THE
11 GOVERNMENT WOULD BE REQUIRED TO PRESENT EVIDENCE SUFFICIENT TO
12 DEMONSTRATE YOU'RE THE PERSON WHO'S NAMED IN THE CHARGING
13 DOCUMENT FROM THE OTHER DISTRICT.

14 DO YOU UNDERSTAND?

15 THE DEFENDANT: YES, I DO.

16 THE COURT: ALL RIGHT.

17 DID YOU SIGN THIS WAIVER FORM?

18 (DEFENSE COUNSEL CONFERRING WITH CLIENT.)

19 THE DEFENDANT: YES, I DO.

20 THE COURT: ALL RIGHT.

21 AND BY SIGNING THAT, ARE YOU TELLING ME YOU WISH TO
22 GIVE UP YOUR RIGHT TO ARRIVAL OF PROCESS AND AN IDENTITY
23 HEARING?

24 THE DEFENDANT: WOULD YOU REPEAT THAT.

25 THE COURT: YES.

1 BY -- YOU SIGNED THIS WAIVER FORM.

2 THE WAIVER FORM SAYS YOU ARE GIVING UP YOUR RIGHT TO
3 ARRIVAL OF PROCESS AND TO HAVE AN IDENTITY HEARING.

4 SO, I'M JUST ASKING TO CONFIRM --

5 THE DEFENDANT: OH, YES. YES --

6 THE COURT: -- YOU WISH TO GIVE UP YOUR RIGHT TO --

7 THE DEFENDANT: -- TO CONFIRM, YES.

8 THE COURT: -- THOSE THINGS?

9 THE DEFENDANT: YES. CORRECT.

10 THE COURT: YES? ALL RIGHT.

11 AND, MS. HETTLE, YOU CONCUR IN THE WAIVER?

12 MS. HETTLE: I DO.

13 THANK YOU, YOUR HONOR.

14 THE COURT: ALL RIGHT. THE COURT FINDS THAT THE
15 WAIVER IS KNOWING AND VOLUNTARY AND ACCEPTS THE WAIVER.

16 ALL RIGHT.

17 THE GOVERNMENT I THINK HAS FILED A REQUEST FOR
18 DETENTION IN THIS MATTER.

19 MS. HETTLE, WHAT IS THE DEFENSE'S POSITION ON THAT
20 REQUEST AT THIS POINT IN TIME.

21 MS. HETTLE: YOUR HONOR, THE DEFENDANT DOES NOT HAVE
22 A SURETY AT THIS TIME BECAUSE HE IS AWAY FROM HIS CELL PHONE
23 NUMBERS. SO, UNLESS THE COURT IS WILLING TO SIGN AN O.R. BOND,
24 WE WOULD SUBMIT ON THE ISSUE.

25 THE COURT: ALL RIGHT. I'M NOT WILLING TO DO THAT, .

1 BUT LET ME ASK THE GOVERNMENT FOR A PROFFER.

2 AND IF YOU WISH TO RESPOND, I'LL NONETHELESS LET YOU
3 RESPOND.

4 SO, GOVERNMENT COUNSEL, A PROFFER, PLEASE.

5 MS. YU: SURE.

6 IN MOVING FOR DETENTION, THE GOVERNMENT PROFFERS THE
7 COMPLAINT AND AFFIDAVIT AS WELL AS PRETRIAL SERVICES REPORT AND
8 ITS RECOMMENDATION OF DETENTION.

9 THE COURT: ALL RIGHT.

10 MS. HETTLE, WAS THERE ANYTHING YOU WISH TO RESPOND TO
11 OR THAT YOUR CLIENT WISHED TO RESPOND TO --

12 MS. HETTLE: NO, YOUR HONOR.

13 THE COURT: -- BEYOND THAT?

14 MS. HETTLE: NO.

15 THE COURT: ALL RIGHT.

16 MS. HETTLE: WE'LL SUBMIT AT THIS POINT DUE TO THE
17 LACK OF SURETIES.

18 THE COURT: OKAY. ANY ORDER I MAKE HERE IS WITHOUT
19 PREJUDICE --

20 MS. HETTLE: THANK YOU, YOUR HONOR.

21 THE COURT: -- SO HE CAN LITIGATE THIS IN THE OTHER
22 DISTRICT.

23 ALL RIGHT. SO, THE COURT WOULD GRANT THE
24 GOVERNMENT'S MOTION, FINDING BY A PREPONDERANCE OF THE EVIDENCE
25 THAT NO CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY

1 ASSURE THE APPEARANCE OF THE DEFENDANT AS REQUIRED.

2 AND THE COURT'S DETERMINATION AS TO THE DEFENDANT
3 BEING A FLIGHT RISK IS BASED ON THE LACK OF BAIL RESOURCES, THE
4 LACK OF A STABLE RESIDENCE, FOREIGN TRAVEL EXPERIENCE.

5 AND THAT WILL BE THE COURT'S ORDER ON BAIL.

6 ALL RIGHT.

7 MS. HETTLE, IS THERE ANY REASON TO HOLD OFF ON
8 ORDERING A FORTHWITH REMOVAL?

9 MS. HETTLE: NO, YOUR HONOR.

10 THE COURT: ALL RIGHT.

11 THEN THE COURT WOULD ORDER THAT THE DEFENDANT BE
12 REMOVED FORTHWITH TO THE CHARGING DISTRICT, WHICH IS THE
13 DISTRICT OF MINNESOTA AT THIS TIME.

14 ANYTHING ELSE IN THIS MATTER AT THIS TIME?

15 MS. HETTLE: NO, YOUR HONOR.

16 THANK YOU.

17 MS. YU: NOTHING FROM THE GOVERNMENT, YOUR HONOR.

18 THE COURT: ALL RIGHT.

19 THANK YOU.

20 MS. YU: THANK YOU.

21 (PROCEEDINGS ADJOURNED AT 4:53 P.M.)
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C E R T I F I C A T E

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
FROM THE ELECTRONIC SOUND RECORDING OF THE PROCEEDINGS IN THE
ABOVE-ENTITLED MATTER.

/S/ DOROTHY BABYKIN

4/28/16

FEDERALLY CERTIFIED TRANSCRIBER
DOROTHY BABYKIN

DATED